

### **REMARKS**

This application has been reviewed in light of the Office Action mailed on September 11, 2006. Claims 1-9 and 12-26 are currently pending in this application with Claims 1 and 12 being in independent form. Claims 1 and 12 have been amended by this response and Claims 22-26 have been added by this response. In view of the amendments and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Applicants would initially like to thank Examiner Pous for the telephone interview conducted on February 6, 2007 with Applicants' Attorneys Joseph Schmidt and Paul Natof. During the telephone interview, the pending claims and the outstanding office action were discussed. Applicant believes the proposed amendments to the claims are consistent with the distinctions discussed during the interview between the present disclosure and the cited art.

By this Amendment, Applicants have amended each of independent claims 1 and 12 to recite "the needle point being displaced a predetermined distance with respect to the longitudinal axis and wherein the predetermined distance is less than  $\frac{1}{2}$  the x-dimension " $x_t$ " of the enlarged transition portion". As discussed during the interview, this recited feature corresponds to the location of the needle point. Specifically, the formed needle point is both displaced from the central axis extending through the center of the needle body and displaced from the lowest surface of the transition portion corresponding to a distance "a" in Figure 5 of Applicants specification. Support for this amendment is found throughout Applicants specification. It is further noted that the recited dimensions " $x_t$ " and " $x_l$ " correspond to the widths "w" and " $w_l$ ", and that the dimensions " $z_t$ " and " $z_l$ " correspond to the heights "h" and " $h_l$ " as discussed in applicants' specification.

Claims 1-8 and 12-21 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,730,732 to Sardelis et al. in view of U.S. Patent No. 5,030,228 to Wong et al. and further in view of U.S. Patent No. 5,403,344 to Allen. Sardelis et al. disclose a needle having three sides, with each side including a single surface. Wong et al. disclose a three-sided needle without an enlarged transition zone. Allen discloses a needle having three sides, with each side includes five surfaces.

Applicants have hereby amended each of claims 1 and 12 to recite, *inter alia*, “the needle point being displaced a predetermined distance with respect to the longitudinal axis and wherein the predetermined distance is less than  $\frac{1}{2}$  the x-dimension “ $x_t$ ” of the enlarged transition portion”. Neither the Sardelis et al., Wong et al. nor Allen references disclose, teach or suggest these features alone or in combination. Rather, as discussed during the interview, with each of these references, the needle point is coplanar with respective lower surfaces of the needled end. For at least these reasons, Applicants respectfully request withdrawal of this rejection with respect to Claims 1 and 12 and to Claims 2-9 and 13-21, which depend therefrom.

Claim 9 stands rejected under 35 U.S.C. §103(a) over the combination of Sardelis et al., Wong et al., Allen and further in view of U.S. Patent No. 5,797,961 to Smith et al. Applicant respectfully submits that claim 9 is at least patentable for the reasons independent claim 1 is patentable as outlined hereinabove. Accordingly, withdrawal of this rejection is respectfully requested.

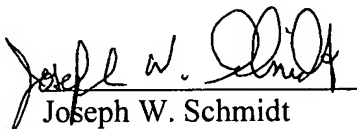
**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely Claims 1-9 and 12-25, are in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, she is requested to call the Applicants' undersigned attorney at her convenience.

Respectfully submitted,

***Carter, DeLuca, Farrell & Schmidt, LLP***  
445 Broad Hollow Road  
Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700  
Fax: (631) 501-3526

  
Joseph W. Schmidt  
Reg. No. 36,920  
Attorney for Applicants

**Mailing Address:**  
Chief Patent Counsel  
UNITED STATES SURGICAL  
Division of Tyco Healthcare Group LP  
195 McDermott Road  
North Haven, CT 06473  
(203) 492-8193